

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA) Case No. 1:21-cr-0132-05
v.) Judge Travis R. McDonough
JOSHUA J. NORMAN) Magistrate Judge Susan K. Lee

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea as to Count Four of the four-count Indictment; (2) accept Defendant's guilty plea to the lesser included offense of the charge in Count Four of the Indictment, that is, possession with intent to distribute a mixture and substance containing methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C); (3) adjudicate Defendant guilty of the lesser included offense of the charge in Count Four of the Indictment, that is, possession with intent to distribute a mixture and substance containing methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C); (4) defer a decision on whether to accept the plea agreement (Doc. 51) until sentencing; and (5) Defendant's conditions of release were revoked and find Defendant shall remain in custody until sentencing in this matter. (Doc. 60). Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 60) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea to Count Four of the four-count Indictment is **GRANTED**;
2. Defendant's plea of guilty to the lesser included offense of the charge in Count Four of the Indictment, that is, possession with intent to distribute a mixture and substance containing methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C) is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of the lesser included offense of the charge in Count Four of the Indictment, that is, possession with intent to distribute a mixture and substance containing methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C);
4. A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** in custody until sentencing in this matter, which is scheduled to take place on **September 16, 2022 at 9:00 a.m. [EASTERN]** before the undersigned.

SO ORDERED.

/s/Travis R. McDonough

TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE